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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/766,851	01/30/2004	Yehoshaphat Kasmirsky	P-9480-US1	4135
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PEARL COHEN ZEDEK LATZER, LLP 1500 BROADWAY 12TH FLOOR NEW YORK, NY 10036			EXAMINER LE, THU NGUYET T	
			ART UNIT 2162	PAPER NUMBER
			MAIL DATE 01/03/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/766,851

Applicant(s)

KASMIRSKY ET AL.

Examiner

Thu-Nguyet Le

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 30 January 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-43 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 January 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 11/17/04, 08/09/06, 11/17/06.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications through the applicant's application filed on 30 January 2004.

Information Disclosure Statement

2. IDSs (submitted 11/17/04, 08/09/06, 11/17/06) have been considered by examiner. The signed and initialed copies are attached hereto.

Specification

3. The disclosure is objected to because of the following informalities:

The disclosure (page 8 line 11, page 13 lines 2-4, 14) contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01. Appropriate correction is required.

Claim Objections

4. Claims 5-6, and 39 are objected to because of the following informalities:

Claim 5 recites limitations of "CTI server data", which should be modified to provide clarification. For example: "CTI (Computer Telephony Integration) server data" or other appropriate explanations. Similarly, the examiner also suggests modification "CRM server data" in claim 6.

Claim 39 recites "formatted data and telephone content data for determining at least one characteristic of the data to be stored;." The examiner believes the period after the semi colon is the typo error. The period should be removed.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

5. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

6. Claims 27-43 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

The claims recite the limitation of a system. However, the claims lack necessary physical articles or objects to constitute a machine or a manufacture within the meaning of 35 USC 101. As such, they fail to fall within a statutory category. They are, at best, functional descriptive material per se.

Claim Rejections - 35 USC § 102

7. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

8. Claims 1, and 3-43 are rejected under 35 U.S.C. 102(e) as being anticipated by Ignatius et al. (US 6,542,972).

With respect to claim 1, Ignatius discloses a method for managing data storage according to content of the data or any other related metadata or input information related to the recorded data, comprising:

determining at least one characteristic of the data according to the content (col.2 lines 39-45, col.10 line 20, col.9 lines 5-20);

selecting one of a plurality of storage options having different types of accessibility and/or capacity according to said at least one characteristic of the data and according to at least one rule (col.1 lines 65-66, col.2 lines 1-6, 39-45, col.10 lines 21-22, col.9 lines 5-20); and

placing the data into said selected storage option (col.2 lines 39-45, col.10 lines 23-25).

Claim 3 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said data is data which needs formatting (col.7 lines 61-63).

Claim 4 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said data is metadata (col.2 lines 40-41).

Claim 5 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said determining said at least one characteristic of said data is done using CTI server data (col.2 lines 17-24, 39-41).

Claim 6 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said determining said at least one characteristic of said data is done using CRM server data (col.2 lines 17-24, 39-41).

Claim 7 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said determining said at least one characteristic of said data is done using third party data processors (col.2 lines 17-24, 39-41).

Claim 8 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said selected storage option causes deletion of the data (col.7 lines 33-34).

Claim 9 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said plurality of storage options include storage options having at least two different types of devices (col.1 lines 35-38).

Claim 10 is rejected for the reasons set forth hereinabove for claim 9 and furthermore Ignatius teaches the method for managing data storage, wherein at least one storage option includes an on-line storage device (col.1 lines 55-58).

Claim 11 is rejected for the reasons set forth hereinabove for claim 9 and furthermore Ignatius teaches the method for managing data storage, wherein at least one storage option includes an off-line storage device (col.1 lines 55-58).

Claim 12 is rejected for the reasons set forth hereinabove for claim 9 and furthermore Ignatius teaches the method for managing data storage, wherein at least one storage option includes a near-line storage device (col.1 lines 55-58).

Claim 13 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said at

least one characteristic of the data includes metadata associated with the data (col.2 lines 40-41).

Claim 14 is rejected for the reasons set forth hereinabove for claim 13 and furthermore Ignatius teaches the method for managing data storage, wherein said metadata is obtained by analyzing the data (col.2 lines 40-41).

Claim 15 is rejected for the reasons set forth hereinabove for claim 14 and furthermore Ignatius teaches the method for managing data storage, wherein the data is analyzed automatically according to a type of the data (col.2 lines 40-42, col.6 lines 46-47).

Claim 16 is rejected for the reasons set forth hereinabove for claim 15 and furthermore Ignatius teaches the method for managing data storage, wherein the data includes a plurality of different types of data, and said plurality of different types of data is analyzed concurrently (col.3 lines 25-29).

Claim 17 is rejected for the reasons set forth hereinabove for claim 14 and furthermore Ignatius teaches the method for managing data storage, wherein the data is rendered into a common format before being analyzed automatically (col.7 lines 60-64).

Claim 18 is rejected for the reasons set forth hereinabove for claim 14 and furthermore Ignatius teaches the method for managing data storage, wherein the data is rendered into a common format after being analyzed automatically (col.7 lines 60-61).

Claim 19 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said at

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least one rule includes a time interval for holding the data in said selected storage option (co.3 lines 49-50).

Claim 20 is rejected for the reasons set forth hereinabove for claim 19 and furthermore Ignatius teaches the method for managing data storage, wherein the data is migrated from a first selected storage option to a second selected storage option after said time interval has elapsed (col.2 lines 30-33, col.7 lines 14-20).

Claim 21 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule is entered manually (col.2 lines 37-38).

Claim 22 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule is generated automatically (col.3 lines 41-43).

Claim 23 is rejected for the reasons set forth hereinabove for claim 22 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule is generated automatically according to business data (col.3 lines 41-43).

Claim 24 is rejected for the reasons set forth hereinabove for claim 19 and furthermore Ignatius teaches the method for managing data storage, wherein said at least one rule includes an action to be performed on the data according to an event, wherein said event is related to said at least one characteristic of the data (col.7 lines 14-21, col.2 lines 40-43).

Claim 25 is rejected for the reasons set forth hereinabove for claim 1 and furthermore Ignatius teaches the method for managing data storage, further comprising

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receiving data from an input source before determining said at least one characteristic of the data, wherein said input source includes at least one of video data, audio data, coded data, e-mail messages, e-mail attachments, chat messages, other types of messaging system messages, documents transmitted by facsimile and user interface data, and a combination thereof (col. 7 lines 60-65).

Claim 26 is rejected for the reasons set forth hereinabove for claim 13 and furthermore Ignatius teaches the method for managing data storage, wherein feedback from an analysis of the data is used for determining said at least one characteristic of the data (col.2 lines 39-43).

Claims 27-43 are rejected on grounds corresponding to the reasons given above for claims 1, 3-43 because the claims 27-43 claim the substantial limitations as claims 1, 3-43.

Claim Rejections - 35 USC § 103

9. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

10. Claim 2 is rejected under 35 U.S.C. 103(a) as being unpatentable over Ignatius et al. (US 6,542,972) in view of Wilde (US 5,991,753).

Claim 2 is rejected for the reasons set forth hereinabove for claim 1. However, Ignatius does not disclose placing said data further comprises compression of the data according to access needs or data importance.

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In the same field of endeavor, Wilde discloses a method for computer file management, wherein placing said data further comprises compression of the data according to access needs or data importance (col.1 lines 15-18).

It would have been obvious to one having ordinary skill in the art at the time the invention was made having the teachings of Wilde and Ignatius before him/her to incorporate the method for computer file management into the method for managing data storage in order to save significant storage space (col.1 line 17). One of ordinary skill in the art would be motivated to make the aforementioned combination with reasonable expectation of success.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Thu-Nguyet Le whose telephone number is 571-270-1093. The examiner can normally be reached on 6:00-2:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on 571-272-4107. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic

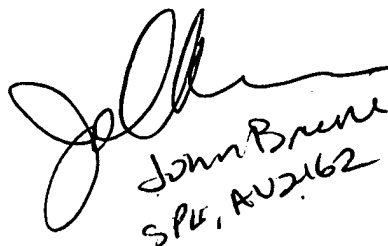
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Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TL

Thu-Nguyet Le
15 November 2007

KBP


John Brune
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